



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

DEC 14 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7006 2760 0000 8644 6848

Mr. Jeffery Ellison
Plant Manager
Veolia Water North America
P O Box 1145
Bettendorf, Iowa 52272

RE: Veolia Water North America
Bettendorf, Iowa
EPA RCRA Identification Number: IAD984566455

Dear Mr. Ellison:

Letter of Warning/Request for Information

On September 22, 2015, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report, and your September 24, 2015, response to the Notice of Preliminary Findings (NOPF) and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Edwin G. Buckner PE, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard., Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner, of my staff, at 913-551-7621 or buckner.edwin@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald Toensing', is written over the printed name.

Donald Toensing
Chief

Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

Tom Krajecki
Veolia North America
North West Regional Safety Manager
106 Ford Drive
New Lenox, Illinois 60451

List of Violations
Veolia Water North America
Bettendorf, Iowa
EPA RCRA Identification Number: IAD984566455

1. Title 40 CFR § 279.52(b)(2)(iv) requires processors of used oil to have a contingency plan that contains a list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. During the July 22, 2014, RCRA inspection, the inspector reviewed the contingency plan and observed that it did not include the home contact information for emergency coordinators. Failure to include this in the contingency plan is a violation of 40 CFR § 279.52(b)(2)(iv).
2. Title 40 CFR § 279.56(a) requires processors of used oil to keep a record of each used oil shipment accepted for processing. Records for each shipment must include: 1) The name and address of the transporter who delivered the used oil to the processor; 2) The name and address of the generator or processor/re-refiner from whom the used oil was sent for processing; 3) The EPA identification number of the transporter who delivered the used oil to the processor; 4) The EPA identification number of the generator or processor/re-refiner from whom the used oil was sent for processing; 5) The quantity of used oil accepted; and 6) The date of acceptance. During the September 22, 2015, RCRA inspection, the inspector observed such records were not at the facility. Failure to maintain such records is a violation of 40 CFR § 270.56(a).
3. Title 40 CFR § 279.56(b) requires processors of used oil to keep a record of each shipment of used oil that is shipped to a used oil burner. Records for each shipment must include: 1) The name and address of the transporter who delivers the used oil to the burner; 2) The name and address of the burner who will receive the used oil; 3) The EPA identification number of the transporter who delivers the used oil to the burner; 4) The EPA identification number of the burner who will receive the used oil; 5) The quantity of used oil shipped; and 6) The date of shipment. During the September 22, 2015, RCRA inspection, the inspector observed such records were not at the facility. Failure to maintain such records is a violation of 40 CFR § 270.56(b).
4. Title 40 CFR § 279.56(c) requires processors of used oil to maintain records of used oil accepted and shipped for at least three years. During the September 22, 2015, RCRA inspection, the inspector observed such records were not at the facility. Failure to maintain such records for at least three years is a violation of 40 CFR § 270.56(c).
5. Title 40 CFR § 279.58 requires processors of used oil who initiate shipments of used oil off-site to use a used oil transporter who has obtained an EPA identification number. Although both ALCOA and Veolia have a EPA identification numbers, neither facility has notified as a transporter of used oil. Failure to use a transporter who has obtained an EPA identification number is a violation of 40 CFR § 270.58.

Requested Information
Veolia Water North America
Bettendorf, Iowa
EPA RCRA Identification Number: IAD984566455

1. Provide a copy of Veolia's waste analysis plan as required by 40 CFR § 279.55. Describe how this plan addresses the rebuttable presumption for used oil described in 40 CFR § 279.55(a).
2. Provide a copy of all halogen content sample analyses for all used oil received by the facility after the September 2015 EPA RCRA inspection. If such analysis predate September 2015, provide the most recent sample analyses that applies. If knowledge of the halogen content of the used oil is used, provide documentation of that knowledge demonstrating the halogen content of the used oil. The sample analysis or knowledge demonstration is required by 40 CFR § 279.55 and maintenance of those records is required by 40 CFR § 279.57(a).
3. Provide copies of used oil acceptance and shipping records for October, November, and December 2015. If no used oil was received or shipped during that time, provide records for the most recently preceding month. Describe how these records will be maintained in the future on site at Veolia's facility in accordance with 40 CFR § 279.56 & 57.
4. Information provided during the September 22, 2015, RCRA inspection indicates used oil is shipped to ALCOA for combustion via pipeline. In accordance with 40 CFR § 279.58, used oil must be shipped from a used oil processor by a transporter who has obtained an EPA identification number. Submit form 8700-12 to the EPA to notify under your current ID number as a transporter or have ALCOA do so, whichever entity is responsible for operating the pipeline.
5. Provide documentation of the hazardous waste determination made on the used oil processing sludge that is subsequently disposed of in ALCOA's landfill. If that determination was made using process knowledge, provide copies of the documentation used to make the determination.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

